

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Bayshore School District)	File No. SLD-337091
Daly City, California)	
)	
Clarkdale-Jerome School)	File No. SLD-360943
Clarkdale, Arizona)	
)	
Mandaree Public School District 36)	File No. SLD-294804
Mandaree, North Dakota)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: November 10, 2004

Released: November 12, 2004

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Bayshore School District, Daly City, California; Clarkdale-Jerome School, Clarkdale, Arizona; and Mandaree Public School District 36, Mandaree, North Dakota (collectively, Petitioners), seek review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ SLD denied Petitioners' appeals because Petitioners filed their appeals of the Funding Commitment Decision Letters (FCDLs) more than 60 days after the FCDLs were rendered.² We affirm SLD's decision. For a review of decisions by SLD, appeals to SLD must be

¹ Letter from August Tagaro, Bayshore School District, to Federal Communications Commission, filed March 17, 2004; Letter from Kathleen Fleenor, Clarkdale-Jerome School, to Federal Communications Commission, filed May 18, 2004; Letter from Sherry Turner-Lone Fight, Mandaree Public School District 36, to Federal Communications Commission, filed May 26, 2004 (Requests for Review). See also Letter from the Schools and Libraries Division, Universal Service Administrative Company, to August Tagaro, Bayshore School District, dated March 5, 2004; Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Kathleen Fleenor, Clarkdale-Jerome School, dated May 4, 2004; Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Sherry Turner-Lone Fight, Mandaree Public School District 36, dated May 4, 2004. Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² See Letter from August Tagaro, Bayshore School District, to Schools and Libraries Division, Universal Service Administrative Company, filed November 17, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to August Tagaro, Bayshore School District, dated June 9, 2003; Letter from Kathleen Fleenor, Clarkdale-Jerome School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 22, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kathleen Fleenor, Clarkdale-Jerome, dated March 20, 2003; Letter from Sherry Turner-Lone Fight, Mandaree Public School District 36, to Schools and Libraries Division, Universal Service Administrative Company, filed August 27, 2003; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sherry Turner-Lone Fight, Mandaree Public School District 36, dated June 26, 2003.

filed within 60 days of the issuance date of the SLD decision.³ Here, the Petitioners filed their appeals to SLD after the 60-day period, in contravention of our rules. We therefore deny the Requests for Review.

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Requests for Review filed on March 17, 2004 by Bayshore School District, Daly City, California; May 18, 2004 by Clarkdale-Jerome School, Clarkdale, Arizona; and May 26, 2004 by Mandaree Public School District 36, Mandaree, North Dakota ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

³ Commission rules previously required that appeals must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed. This deadline was modified in 2001 by an interim order, extending the deadline to 60 days. See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002). In 2003, the Commission permanently extended the time limit for filing an initial appeal with SLD and the Commission to 60 days. See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221, paras. 55-56 (2003). 47 C.F.R. § 54.720(b).